

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

CITYMOMS, INC.

Plaintiff,

v.

THECITYMOMS GREATER
INDIANAPOLIS LLC

Defendant.

CASE NO. 1:19-cv-4377



**PLAINTIFF CITYMOMS LLC'S NOTICE OF
VOLUNTARY DISMISSAL**

Plaintiff, CITYMOMS, INC and Defendant, THECITYMOMS GREATER INDIANAPOLIS LLC have settled the dispute between them. Defendant has not served an answer or a motion for summary judgment.

In accordance with the settlement between the parties, and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff, CITYMOMS, INC., hereby dismisses¹ the instant action without prejudice. Each party is to bear its own costs and attorneys fees.

Date: January 16, 2020

Respectfully submitted,

By: /s/ Neil D. Greenstein

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Counsel for Plaintiff, CITYMOMS, INC.

¹ No order is necessary or appropriate under FRCP 41(a)(1). See, *Winterland Concessions Co. v. Smith*, 706 F.2d 793 (7th Cir. 1983). A voluntary dismissal under Rule 41(a)(1)(A)(i) allows the plaintiff to dismiss an action without court order by filing a notice of dismissal before the opposing party files an answer or a motion for summary judgment. See *Nelson v. Napolitano*, 657 F.3d 586, 587 (7th Cir. 2011) (explaining that a Rule 41(a)(1)(A) notice of dismissal is self-executing and effective without further action from the court).

CERTIFICATE OF SERVICE

No parties or counsel have entered an appearance in this action.

/s/ Neil D. Greenstein

Neil D. Greenstein